



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2954

Introduced 2/16/2023, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

New Act

Creates the Civil Liability for Doxing Act. Provides that an individual engages in the act of doxing when that individual intentionally publishes another person's personally identifiable information without the consent of the person whose information is published and: (1) the information is published with the intent that it be used to harm or harass the person whose information is published and with knowledge or reckless disregard that the person whose information is published would be reasonably likely to suffer death, bodily injury, or stalking; and (2) the publishing of the information: (i) causes the person whose information is published to suffer significant economic injury or mental anguish or to fear serious bodily injury or death of the person or a family or household member to the person; or (ii) causes the person whose information is published to suffer a substantial life disruption. Allows a person who is aggrieved by a violation of the Act to bring a civil action against the individual who committed the offense to recover damages and obtain any other appropriate relief. Provides that an individual who is found liable under the Act shall be jointly and severally liable with each other individual, if any, who is found liable under the Act for damages arising from the same violation of the Act. Allows a court to issue a temporary restraining order, emergency order of protection, or preliminary or permanent injunction to restrain and prevent the disclosure or continued disclosure of a person's personally identifiable information or sensitive personal information. Allows a civil action to be brought in any county in which an element of the offense occurred, or in which a person resides who is the subject of the personally identifiable information or sensitive personal information published in violation of the Act.

LRB103 30878 LNS 57401 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Civil
5 Liability for Doxing Act.

6 Section 5. Definitions. As used in this Act:

7 "Course of conduct" means a pattern of conduct composed of
8 2 or more acts, evidencing a continuity of purpose.

9 "Electronic communication" means any transfer of signs,
10 signals, writing, images, sounds, data, or intelligence of any
11 nature transmitted in whole or in part by a wire, radio,
12 electromagnetic, photoelectronic, or photo-optical system.

13 "Family or household member" includes spouses, former
14 spouses, parents, children, stepchildren, and other persons
15 related by blood or by present or prior marriage, persons who
16 share or formerly shared a common dwelling, persons who have
17 or allegedly have a child in common, persons who share or
18 allegedly share a blood relationship through a child, persons
19 who have or have had a dating or engagement relationship,
20 persons with disabilities and their personal assistants, and
21 caregivers as defined in Section 12-4.4a of the Criminal Code
22 of 2012. For purposes of this paragraph, neither a casual
23 acquaintanceship nor ordinary fraternization between 2

1 individuals in business or social contexts shall be deemed to
2 constitute a dating relationship. In the case of a high-risk
3 adult with disabilities, "family or household member" includes
4 any person who has the responsibility for a high-risk adult as
5 a result of a family relationship or who has assumed
6 responsibility for all or a portion of the care of a high-risk
7 adult with disabilities voluntarily, by express or implied
8 contract, or by court order.

9 "Mental anguish" means emotional distress or emotional
10 suffering as evidenced by anxiety, fear, torment, or
11 apprehension that may or may not result in a physical
12 manifestation of mental anguish or a mental health diagnosis.
13 "Mental anguish" is limited to emotional distress or emotional
14 suffering that is protracted and not merely trivial or
15 transitory.

16 "Personally identifiable information" means any
17 information that can be used to distinguish or trace a
18 person's identity, such as name, prior legal name, alias,
19 mother's maiden name, and date or place of birth in
20 combination with any other information that is linked or
21 linkable to a person such as:

22 (1) social security number, home address, phone
23 number, email address, social media accounts, or biometric
24 data;

25 (2) medical, financial, education, consumer, or
26 employment information, data, or records;

1 (3) any other sensitive or private information that is
2 linked or linkable to a specific identifiable person, such
3 as gender identity, sexual orientation, or any sexually
4 intimate visual depiction; or

5 (4) any information that provides access to a person's
6 teleconferencing, video-teleconferencing, or other
7 digital meeting room.

8 "Post" means to circulate, deliver, distribute,
9 disseminate, transmit, or otherwise make available to 2 or
10 more persons through electronic communication.

11 "Publish" means to circulate, deliver, distribute,
12 disseminate, post, transmit, or otherwise make available to
13 another person.

14 "Regularly resides" means residing in the household with
15 some permanency or regular frequency in the person's living
16 arrangement.

17 "Stalk" or "stalking" means to knowingly or intentionally
18 engage in a course of conduct, without a legitimate purpose,
19 directed at or concerning a specific person that would cause a
20 reasonable person to fear for the person's safety or the
21 safety of a family or household member or to suffer
22 substantial emotional distress.

23 "Substantial life disruption" means that a person
24 significantly modifies that person's actions or routines in an
25 attempt to avoid the individual or because of the individual's
26 course of conduct. "Substantial life disruption" may include,

1 but is not limited to, changing a phone number, changing an
2 email address, deleting personal electronic accounts or
3 significantly decreasing use of the Internet, moving from an
4 established residence, changing daily routines, changing
5 routes to and from work, changing employment or work schedule,
6 or losing time at work or a job.

7 Section 10. Doxing.

8 (a) An individual engages in the act of doxing when that
9 individual intentionally publishes another person's personally
10 identifiable information without the consent of the person
11 whose information is published and:

12 (1) the information is published with the intent that
13 it be used to harm or harass the person whose information
14 is published and with knowledge or reckless disregard that
15 the person whose information is published would be
16 reasonably likely to suffer death, bodily injury, or
17 stalking; and

18 (2) the publishing of the information:

19 (i) causes the person whose information is
20 published to suffer significant economic injury or
21 mental anguish or to fear serious bodily injury or
22 death of the person or a family or household member of
23 the person; or

24 (ii) causes the person whose information is
25 published to suffer a substantial life disruption.

1 (b) It is not an offense under this Act for an individual
2 to:

3 (1) provide another person's personally identifiable
4 information or sensitive personal information in
5 connection with the reporting of criminal activity to an
6 employee of a law enforcement agency or in connection with
7 any lawfully authorized investigative, protective, or
8 intelligence activity of any law enforcement agency or of
9 an intelligence agency of the United States and the person
10 making the report reasonably believes the alleged criminal
11 activity occurred or the existing investigative,
12 protective, or intelligence activity is legitimate;

13 (2) disseminate the personally identifiable
14 information for the purpose of, or in connection with, the
15 reporting of conduct reasonably believed to be unlawful;
16 or

17 (3) provide a person's personally identifiable
18 information in connection with lawful and constitutionally
19 protected activity as it pertains to speech, assembly, and
20 petition.

21 (c) Nothing in this Act shall be construed in any manner
22 to:

23 (1) conflict with Section 230 of Title II of the
24 Communications Act of 1934 (47 U.S.C. 230);

25 (2) conflict with 42 U.S.C. 1983; or

26 (3) prohibit any activity protected under the

1 Constitution of the United States or the Illinois
2 Constitution.

3 Section 15. Civil action.

4 (a) A person who is aggrieved by a violation of this Act
5 may bring a civil action against the individual who committed
6 the offense of doxing (or any individual or entity that
7 knowingly benefits, financially or by receiving anything of
8 value, from participation in a venture that the individual or
9 entity knew or should have known involved a violation of this
10 Act) and may recover damages and any other appropriate relief,
11 including reasonable attorney's fees.

12 (b) An individual who is found liable under this Act shall
13 be jointly and severally liable with each other individual, if
14 any, who is found liable under this Act for damages arising
15 from the same violation of this Act.

16 Section 20. Injunctive relief. A court in which a suit is
17 brought under this Act, on the motion of a party, may issue a
18 temporary restraining order, emergency order of protection, or
19 preliminary or permanent injunction to restrain and prevent
20 the disclosure or continued disclosure of a person's
21 personally identifiable information or sensitive personal
22 information. If a person violates any order issued under this
23 Section, the court, in its discretion, may grant any civil
24 remedy under State law.

1 Section 25. Venue. A civil action may be brought in any
2 county in which an element of the offense occurred, or in which
3 a person resides who is the subject of personally identifiable
4 information published in violation of this Act.

5 Section 30. Constitutionality. The General Assembly does
6 not intend this Act to allow, and this Act shall not allow,
7 actions to be brought against constitutionally protected
8 activity.

9 Section 35. Construction and application. This Act shall
10 be liberally construed and applied to promote its underlying
11 purpose to protect persons from and provide adequate remedies
12 to victims of doxing.

13 Section 97. Severability. The provisions of this Act are
14 severable under Section 1.31 of the Statute on Statutes.